

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
IN THE SOUTHERN DIVISION

SCOTT ANDREW WITZKE,

Plaintiff,

No. 2:21-CV-11346-DPH-CI

v

HON. MATTHEW F. LEITMAN

JORDAN REICK; IAN HOWARD;
AARON KOWALSKI; CRAIG
WHITE; and ROBERT ALLEN
MCLEAN, in their individual
capacities for monetary damages;
and THE CITY OF MADISON
HEIGHTS, Michigah,

MAG.

Defendants.

Scott Andrew Witzke
Plaintiff, *In Pro Per*
6931 Ball Road
Romulus, MI 48174

Andrew J. Jurgensen (P81123)
Assistant Attorney General
Attorney for Defendant McLean
State Operations Division
P.O. Box 30754
Lansing, MI 48909
517.335.7573
Jurgensena2@michigan.gov

**BRIEF IN SUPPORT OF DEFENDANT ROBERT MCLEAN'S
FED. R. CIV. P. 12(B)(6) MOTION TO DISMISS**

EXHIBIT C

STATE OF MICHIGAN 14B0 JUDICIAL DISTRICT ORI810075J PIN: 13-76237	REGISTER OF ACTIONS.	CASE NO: 18FB-1586 D01 FY X-REFERENCE #: 13-76237 STATUS: DISP
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JUDGE OF RECORD: POPE, CHARLES J., P-25389
JUDGE: BURKE, JOSEPH F., P-33801

STATE OF MICHIGAN v

WITZKE/SCOTT/ANDREW

4630 LARKINS ST APT 2

DETROIT MI 48210

6931 DALL ST

ROMULUS MI

48174

CTN: 811800117201

TCN: J218114002J

SID: 1214357P

ENTRY DATE: 02/27/18

OFFENSE DATE: 10/06/13

VEHICLE TYPE:

VPN:

DOB: 11/03/1964 SEX: M RACE: W DLN: MI W320760067846

CDL: U

VEH YR: VEH MAKE:

VIN:

PAPER PLATE:

DEFENSE ATTORNEY ADDRESS

BERNSTEIN, SAMUEL JACOB,

4158 WASHTENAW AVE

ANN ARBOR MI 48108

BAR NO.

P-75402

APPOINTED

Telephone No.

(734) 883-9584

OFFICER: SAYDAK/SHARON

DEPT: WASHTENAW COUNTY SHERIFF

PROSECUTOR: MACKIE, BRIAN L.,

P-25745

VICTIM/DESC:

COUNT 1 C/M/F: F 750248

PACC#750.248

FORGERY

ARRAIGNMENT DATE: 04/24/18

PLEA: STOOD MUTE

PLEA DATE: 04/24/18

FINDINGS: DISMISSED

DISPOSITION DATE: 05/08/18

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

BOND HISTORY:

PERSONAL BOND CONTINUED

COUNT 2 C/M/F: F 750249

PACC#750.249

UTTERING & PUBLISHING

ARRAIGNMENT DATE: 04/24/18

PLEA: STOOD MUTE

PLEA DATE: 04/24/18

FINDINGS: DISMISSED

DISPOSITION DATE: 05/08/18

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

COUNT 3 C/M/F: M 7502183A

PACC#750.2183A

FALSE PRETENSES-\$200.00-\$999.99

ARRAIGNMENT DATE: 04/24/18

PLEA: NOLO CONTEND

PLEA DATE: 05/08/18

FINDINGS: DS NOLO PLEA DISPOSITION DATE: 05/08/18

SENTENCING DATE: 05/08/18

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	1111.91	1111.91	1111.91

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

NAME: WITZKE/SCOTT/ANDREW

CASE NO: 18FB-1586

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DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
10/06/13		
1	ORIGINAL CHARGE FORGERY	LDW
2	ORIGINAL CHARGE UTTER&PUBLIS	LDW
02/27/18		
	FILING DATE 022718	LDW
1	AUTHORIZATION OF COMPLAINT DATE	LDW
	PROS MACKIE, BRIAN L.,	P-25745 LDW
	COMPLAINT ISSUANCE DATE	LDW
	MAG NELSON, MARK W.,	P-58712 LDW
02/28/18		
	MISCELLANEOUS ACTION ALL COUNTS	LDW
	WARRANT SIGNED & ISSUED	LDW
	CASE TO BE ASSIGNED TO JUDGE BROWN UPON BINDOVER	LDW
	CC JDG BROWN DUE TO PRIOR CRW 90-024578 FH	LDW
04/24/18		
1	WARRANT RECALL GENERATED FORGERY	ASO
	ORDER FOR FINGERPRINTS GENERATED	
	FORGERY	ASO
	ARRAIGNMENT HELD ALL COUNTS	AJF
	JDG POPE, CHARLES J.,	P-25389 AJF
	ATT MOORE, KIM M.,	P-54390 AJF
	STOOD MUTE	AJF
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE	
	050118 830A PRELIM EXAM, JUDGE,	P-99990 AJF
	SCHEDULED FOR PRELIMINARY EXAMINATION	
	050818 930A PRELIM EXAM, JUDGE,	P-99990 AJF
	PERSONAL	AJF
	BOND SET	AJF
	WARRANT RECALL FILED	AJF
	COURT RECORDER JACKIE MCLAIN-CER3531	AJF
	FINGERPRINTS ORDERED	AJF
	DEFT WALKED IN ON WARRANT AT 14A1	AJF
	PD APPOINTED	AJF
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	AJF
1	NOTICE TO APPEAR GENERATED	
	FORGERY	ASO
04/26/18		
	TCN ADDED	LDW
04/30/18		
	APPEARANCE/DEMANDS FD	ASO
	CERTIFICATION OF WARRANT RECALL FD	ASO
	ORIG WARRANT RETURN FD	ASO
05/01/18		
	MISCELLANEOUS ACTION ALL COUNTS	ASO
	REMOVED FROM CALENDAR 050818 930A PRELIM EXAM, JUDGE,	P-99990 ASO
	PROCEEDING HELD ALL COUNTS	ASO
	JDG HINES, ELIZABETH POL	P-27711 ASO
	ATT BERNSTEIN, SAMUEL JA	P-75402 ASO
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE	
	050818 830A PRELIM EXAM, JUDGE,	P-99990 ASO
	SCHEDULED FOR PRELIMINARY EXAMINATION	
	051518 930A PRELIM EXAM, JUDGE,	P-99990 ASO

NAME: WITZKE/SCOTT/ANDREW

CASE NO: 18FB-1586

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DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	BOND CONTINUED	ASO
	CER 5472 LISA MULL COURT RECORDER	ASO
	LDG WITHDRAWS DUE TO CONFLICT-APPOINT ATTY	ASO
	SAM BERNSTEIN	ASO
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	ASO
05/08/18		
3	PLEA HEARING HELD FALSE PRETEN	LDW
	ADDED CHARGE FALSE PRETEN	LDW
1	PLEA HEARING HELD FORGERY	LDW
	JDG BURKE, JOSEPH F.,	P-33801 LDW
	DISMISSED	LDW
	DISMISSED - PLEAD TO ANOTHER CHARGE	LDW
2	PLEA HEARING HELD UTTER&PUBLIS	LDW
	DISMISSED	LDW
	DISMISSED - PLEAD TO ANOTHER CHARGE	LDW
3	PLEA HEARING HELD FALSE PRETEN	LDW
	PLEAD NOLO CONTENDERE	LDW
	DISPOSED ON PLEA OF NOLO CONTENDERE	LDW
	SENTENCE \$ 1111.91	LDW
	RESTITUTION \$ 1111.91	LDW
	PLEA HEARING HELD ALL COUNTS	LDW
	SCHEDULED FOR SENTENCING 070518 900A POPE, CHARLES J.,	P-25389 LDW
	BOND CONTINUED	LDW

***** END OF REGISTER OF ACTIONS ***** 05/09/18 09:40

CONTINUED REGISTER
OF ACTIONS

Plaintiff

Defendant

CASE NO. _____

DATE	ACTIONS, JUDGMENTS, CASE NOTES	Initials
JUL 2 2018	<i>J. app 7 Oct. f. Kent</i>	
	<p>Recommendations 18FB-1586:</p> <ul style="list-style-type: none"> • Probation 9 Months - <i>MAY Report BY MAIL</i> • \$ <i>475</i> Fines/Costs (inclusive of SMC/VRA/Atty Fee) • \$1111.91 Restitution Joint and Severely + <i>180 NSF fee</i> • \$30/Month Probation Oversight Fee • Meet with probation when and where directed including home visits. • JWP or Community Service due by _____ • No Contact with Bryan Ratliff • Drug test day of sentencing (if positive then 2x month thereafter) • Submit to, pay and be responsible for random drug/alcohol tests as requested by the court, any probation or police officer or any treatment provider. • No use/possession of alcohol, illegal drugs, or drug paraphernalia; no being in the presence of anyone possessing/using any illegal drugs or drug paraphernalia. <p><i>Chau</i></p>	
7/2/18	Probation Len Cond #416891190 exp 4/2/19 - (U)	
12-12-18	<p>WARRANT*FTA BW \$ <i>10,000</i> Bond Cash/Surety/ 10% Respondent failed to comply with an order of this court. To any peace officer or other person authorized by law to arrest, bring the respondent before Court immediately or hold for arraignment if above bond is not posted. Court assesses \$75 warrant fee.</p> <p><i>VOP</i> <i>FILED</i></p>	
12.12.18	ELECTRONIC WARRANT <i>(A)</i> <i>Chau</i>	
5-9-19	<p>Re-entered Probation Len Cond #47401064 <i>(U)</i> Exp 5-9-20 - <i>(U)</i></p>	

[illegible]